

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Shelley/Kuehl Analyst: Gloria McConnell Bill Number: AB 1358

Related Bills: See Prior Analysis Telephone: 845-4336 Amended Date: 06/21/00

Attorney: Patrick Kusiak Sponsor:

SUBJECT: Child support Enforcement

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as amended 04/03/00.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO No Position.

REMAINDER OF PREVIOUS ANALYSIS OF BILL AS 04/03/00 STILL APPLIES.

OTHER - See comments below.

SUMMARY OF BILL

This bill, in general, makes numerous technical changes to various California Codes relating to child support enforcement. The changes are necessary to accommodate California's new child support enforcement organizational structure enacted last year, effective on January 1, 2000. For the most part, this bill replaces the references to "district attorney" (DA) with "local child support agency" (local agency) and "Department of Social Services" (DSS) with "Department of Child Support Services" (DCSS), the successor agency and department, respectively).

Additionally, this bill corrects certain provisions where the new organizational structure and related references that inadvertently eliminated the authority for the DA, local agency or DCSS to conduct the child support activities intended within these organizational structures.

SUMMARY OF AMENDMENTS

These June 21, 2000, amendments replace the references to "district attorney" with "local child support agency" and "Department of Social Services" with "Department of Child Support Services," for purposes of FTB's financial institutional data match (FIDM) process. However, the amendments are technical in nature and would not directly affect the FIDM process.

EFFECTIVE DATE

This bill would be effective and operative on January 1, 2001.

Board Position:

<input type="checkbox"/> S	<input type="checkbox"/> NA	<input checked="" type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input type="checkbox"/> PENDING

Legislative Director

Date

Johnnie Lou Rosas

7/27/00

Implementation Considerations

As reflected in FTB's analysis of the bill as amended April 3, 2000, the transition of all responsibilities and authorities from DAs to local child support agencies will not be completed for more than two years. Staff expressed concern in that April 3, 2000, analysis that by replacing "DAs" with "local agency" before the transition is completed it is unclear whether the bill would be prematurely removing all of the DAs' authority and responsibility to perform their case management duties during the transitional period.

According to the author's staff, the bill will be amended, as discussed in that April 3, 2000, analysis, to:

?? expressly allow a DA to act on behalf of the local agencies until the transition for that DA is completed (transitional umbrella language). As discussed with the author's staff, if such an amendment is made to this bill and it sufficiently applies to the provisions that would otherwise be covered by Revenue and Taxation Code (RTC) Section 19275, RTC Section 19275 could be repealed, instead of amended as previously suggested.

?? clarify that FTB would not be expected to disclose tax return information to an investigator under Section 11484 of the Welfare and Institutions Code.

BOARD POSITION

No position. At its meeting of July 5, 2000, the FTB agreed to take no position on this bill.